

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEBORAH WELLS,)
)
)
Plaintiff,) CASE NO. 04-CV-10164-MEL
)
)
v.)
)
HALLMARK HEALTH SYSTEM, INC.)
)
)
Defendant.))
)
)

JOINT MOTION TO AMEND SCHEDULING ORDER

The Parties hereby jointly move the Court to amend the Scheduling Order in this case to: 1) extend the discovery period to November 30, 2005; 2) extend the period for service of Rule 56 Motions to January 31, 2006; 3) extend the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extend the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

As grounds for this Motion, the Parties state as follows:

1. Under the present Scheduling Order, discovery in this matter is to be completed by August 31, 2005.
2. However, due to the Plaintiff's former counsel's grave illness, which caused him to cease all activities related to his law practice, the Parties have been unable to

conduct any discovery or other substantive activity in furtherance of this case since January 2005.

3. On August 29, 2005, Charles P. Kazarian, Esq. appeared on the Plaintiff's behalf as successor counsel. As such, the 90 day extension of the Scheduling Order deadlines sought herein is necessary for Attorney Kazarian to get up to speed on the case and for the Parties to complete discovery. Indeed, because the Parties intend to first explore whether the settlement of this case is a possibility, the need for completing discovery - not to mention summary judgment and/or a trial - may be altogether obviated.

4. The Parties jointly bring this motion and agree that it will allow them to conclude the litigation of this case in a reasonable, fair and just manner.

WHEREFORE, the Parties respectfully request that the Court enter an order: 1) extending the discovery period to November 30, 2005; 2) extending the period for service of Rule 56 Motions to January 31, 2006; 3) extending the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extending the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

Respectfully submitted,

The Plaintiff,

DEBORAH WELLS,

By her attorney,

s/Charles P. Kazarian

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Dated: August 29, 2005

The Defendant,

HALLMARK HEALTH SYSTEM,
INC.,

By its attorneys,

s/John M. Simon

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